

Fax Transmittal Note

Total Number of Pages: 13

To: Mike Neas	From: Michael Montgomery
Company: USPTO - PCT	Company: J & J
Phone: 703-308-0954	Phone: 786-313-2922
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Johnson & Johnson
Office of General Counsel

Local Address:
Cordis Corporation
14201 NW 60th Avenue
Miami Lakes, Florida 33014
(305) 824-2000

March 04, 2003

Mr. Mike Neas
Special Program Examiner
United States Patent and Trademark Office
Washington, D. C. 20231

RECEIVED
MAR 04 2003
PCT SPECIAL
PROGRAMS OFFICE

Re: Serial No. 09/424,440
Inter. Filing Date: 28 May 1998
Our Reference: CRD0461
"Glass Core Guidewire Compatible With
Magnetic Resonance Having Reinforcing Fibers"


Dear Mr. Neas,

We are resending our response to a Decision on Petition Under 37 CFR 1.47(a) dated 11 May 2000.

As requested, the following is a true copy of what was originally filed via Express mail on June 9, 2000. Also, the postcard returned back from the PTO date stamped Rec'd PCT/PTO.

If you require further documentation regarding this Renewed Petition, please do not hesitate to telephone me at 786-313-2922.

Best regards,


Michael Montgomery
Attorney for Applicants

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INTER APPL NO. PCT/US98/10864
SERIAL NO. 09/424,440 DOCKET NO. CRD046/BY MWM
APPLICATION OF HURTAK, MOUS, NAF MAILED: 6-9-00
ENTITLED GLASSCORE GUIDEWIRE COMPATIBLE WITH
MAGNETIC RESONANCE HAVING REINFORCING FIBERS
THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE
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☐ DRAWINGS
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☐ LETTER
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☐ IDS - FORM 1449
☐ EXTENSION OF TIME
☐ NOTICE OF APPEAL
☐ OATH OR ☐ DECLARATION
☐ POWER OF ATTORNEY
☐ PRELIMINARY STATEMENT
☐ PRIORITY DOCUMENT
☐ STATUS INQUIRY
☐ SPECIFICATION ☐ CLAIMS
☐ PGS
526 REC'D PCT/PTC 09 JUN 2000
RENEWED PETITION
W/3 ATTACHMENTS

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L GRD0461

Michael W. Montgomery
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INTER APPL NO. PCT/US98/10864

SERIAL NO. 09/424, 440 DOCKET NO. CRD046 BY MWM
APPLICATION OF HURTAK, MOVS, NRP MAILED: 6-9-00
ENTITLED GLASSCORE GUIDEWIRE COMPATIBLE WITH
MAGNETIC RESONANCE HAVING REINFORCING FIBERS
THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE
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| <input type="checkbox"/> ISSUE FEE TRANSMITTAL | | <input type="checkbox"/> STATUS INQUIRY |
| <input type="checkbox"/> LETTER | | <input type="checkbox"/> SPECIFICATION <u> </u> PGS |
| <input type="checkbox"/> PCT FILING | | <input type="checkbox"/> CLAIMS |
| <input type="checkbox"/> IDS - FORM-1449 | | <input checked="" type="checkbox"/> RENEWED PETITION |
| FORM 1137A REV. 7/96 | | <u>W/ 3 ATTACHMENTS</u> |

PATENT APPLICATION
Docket Number: CRD0461

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Hurtak, Mous, Nap
Serial Number:	09/424,440
PCT No.:	PCT/US98/10864
Int. Filing Date:	28 May 1988
Title:	Glass Core Guidewire Compatible With Magnetic Resonance Having Reinforcing Fibers
Group Art Unit:	5611
PCT Examiner:	Leonard E. Smith

**RENEWED PETITION
UNDER 37 CFR §1.47(a)**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on: 6-9-00

By: [Signature], Attorney for Applicants

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231
Attn: PCT Legal Office

Sir:

In response to the Decision on Petition Under 37 C.F.R. 1.47(a) dated May 11, 2000 regarding the patent application identified above, please review and grant the following petition.

The Examiner objected that the earlier petition required a one-month extension. However, the petition was sent by fax from the Phoenix International Airport at 2:44 pm local time on February 22, 2000. A copy of the receipt from the fax service is attached, indicating the correct date and time of transmission. Accordingly, the internal date and time settings of the fax

machine, which the undersigned did not see or control, were incorrect. Applicants therefore submit that a one-month extension was not required.

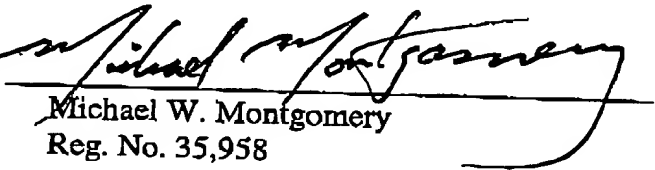
The Examiner also objected that the earlier petition failed to mention that a copy of the present application was sent to the inventors with the Declaration and Power of Attorney on August 30, 1999. Such a copy of the present application was actually sent to Mr. Nap on August 30, 1999. A copy of the cover letter that was sent, referring to the "enclosed application" is enclosed.

The Examiner also objected that the petition fee was not paid. Applicants agree and confirm the charge to our Deposit Account 10-750 for the petition fee.

Accordingly, Applicants respectfully request status under 37 C.F.R. § 1.47(a), and the granting of Applicant's petition.

Respectfully submitted,
Attorney for Applicants

By:



Michael W. Montgomery
Reg. No. 35,958

Date: June 9, 2000

Johnson & Johnson
Law Department
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933
(305) 824-2922

Memorandum

Cordis
a Johnson & Johnson company

Date: August 30, 1999
To: Michel de Tiege
From: Michael W. Montgomery 
Subject: Patent Cooperation Treaty Application
"Glass Core Guidewire Compatible With
Magnetic Resonance Having Reinforcing Fibers".
Your Ref: IR-274
Our Ref.: CRD0461-PCT
Inventors: Hurtak, Mous, Nap

Please have the inventors review the enclosed application, then sign and date the Declaration and Power of Attorney which will be submitted during the National processing phase of this application and return all documents to me at your earliest convenience.

Also, enclosed is the Assignment for filing with the PCT which requires the inventor's signature and date. Please have a Notary notarize this document with his statement and affix with the stamp of Apostille.

Enclosures

ACTIONFAX

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PATENT APPLICATION
Docket Number: CRD0461

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Hurtak, Mous, Nap
Serial Number:	09/424,440
Filed:	November 23, 1999
Title:	Glass Core Guidewire Compatible With Magnetic Resonance Having Reinforcing Fibers
Group Art Unit:	5611
Examiner:	L. Hunter

**PETITION UNDER
37 C.F.R. §1.47**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on: 2-22-00

By: [Signature], Attorney for Applicants

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. §371 dated January 19, 2000, regarding the patent application identified above, please review and grant the following petition:

37 C.F.R. § 1.47: Filing when an Inventor refuses to sign or cannot be reached.

According to 37 C.F.R. §1.47:

"If a joint inventor refuses to join in an application for patent... the application may be made by the other inventor on behalf of himself or herself and the non-signing inventor."

The parent of the present application was originally filed on June 6, 1997 in the Netherlands as application number 1006254, on behalf of the following joint inventors:

1. Wenzel Franz Hurtak;
2. Frans Mous; and
3. Cornelis Philipus Nap

The present PCT application was filed on May 28, 1998, on behalf of the same inventors. Messrs. Mous and Hurtak have properly signed the Declaration and Power of Attorney for the present application. However, Mr. Nap has refused to sign the same document.

Background:

Mr. Nap began his employment with the assignee on July 18, 1977 and ended his employment with the assignee on November 1, 1998. His employment agreement in Dutch is attached, as well as an English translation of the relevant part, Paragraph 10. This provision states:

"You will cede to the Company all rights to patent applications in respect of all inventions made by you during the term of this Contract in which the Company may have any interest and in respect of which the right to apply for a patent does not rest with the Company pursuant to article 10 of the Patents Act."

During that time, Mr. Nap signed a PCT General Power of Attorney on April 2, 1998, a copy of which is enclosed.

The present Declaration and Power of Attorney was sent to the inventors on August 30, 1999. Messrs. Hurtak and Mous signed and dated these documents on September 2 and 20, 1999, respectively.

However, Mr. Nap returned the documents unsigned, and enclosed the attached letter in Dutch dated September 11, 1999, a translation of which is also attached. This letter states in relevant part:

"I decided not to satisfy your request to sign the document."

The present national phase application was then filed on November 23, 1999.

On February 7, 2000, the undersigned sent the attached letter confirming Mr. Nap's refusal to sign the Declaration, a copy of which is attached. No response has been received.

FEB. 23. 2000 6:32AM

NO. 150 P. 4

As required under 37 C.F.R. §1.47, the last known address of Mr. Nap is: Oude Streek
10, 9345 AG, Zevenhuizen, The Netherlands.

Accordingly, Applicant respectfully requests status under 37 C.F.R. § 1.47, and the
retention of the filing date in the present application.

Respectfully submitted,
Attorney for Applicants

Date: February 22, 2000

Johnson & Johnson
Law Department
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933
(305) 824-2922

By: 

Michael W. Montgomery
Reg. No. 35,958